

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA

v.

BENJAMIN ALAN CARPENTER  
a/k/a “Abu Hamza”

Case No. 3:21-CR-38

Judges Crytzer / Poplin

**GOVERNMENT’S MOTION TO DESIGNATE A  
CLASSIFIED INFORMATION SECURITY OFFICER**

The United States of America, by Francis M. Hamilton III, Acting United States Attorney for the Eastern District of Tennessee, respectfully requests that the Court designate a Classified Information Security Officer (“CISO”), pursuant to the Classified Information Procedures Act, 18 U.S.C. App. III (“CIPA”) and Section 2 of the Security Procedures established under Pub. L. 96-456, 94 Stat. 2025 by the Chief Justice of the United States and promulgated pursuant to Section 9 of CIPA. In support of its motion, the government states the following:

1. This is a criminal matter in which the grand jury has returned an indictment charging the Defendant with attempting to provide material support to a designated foreign terrorist organization, in violation of Title 18, United States Code, Section 2339B(a)(1).
2. The case involves classified material and will likely require filings pursuant to CIPA.
3. To assist the Court and court personnel in handling of any motions pursuant to CIPA and implementing orders relating to the matter, the government requests that the Court designate Matthew W. Mullery as the CISO for this case, to perform the duties and responsibilities prescribed for CISOs in the Security Procedures promulgated by the Chief Justice.

4. Section 2 of the Security Procedures states, in part, “Prior to designation [of a CISO], the Department of Justice Security Officer must certify in writing that the classified information security officer is properly cleared, i.e., possesses the necessary clearance for the level and category of classified information involved.”

5. The government has received a certification from James L. Dunlap, the Department of Justice Security Officer, recommending Matthew W. Mullery for the position of CISO and certifying that he possesses the required security clearance for the classified information involved in this case. This certification is included with this Motion as an Attachment.

6. The government further requests that the Court designate the following persons as Alternate CISO, to serve in the event Matthew W. Mullery is unavailable: Daniel O. Hartenstine, Maura L. Peterson, Carli V. Rodriguez-Feo, Harry J. Rucker, and Winfield S. Slade.

7. The undersigned counsel has conferred with defense counsel about this motion. Counsel for the Defendant expressed no objection to the filing of the motion but reserves the right to oppose the motion on the merits.

Respectfully submitted on May 17, 2021.

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